



New Hartley First School

Complaints Policy

Status: Statutory

Next Review: Summer 2020

Purpose

To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

Scope

All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters relating to the curriculum, exclusion, admissions etc which are subject to separate procedures.

General Principles

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.

To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.

Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

Part A

Complaining About the Actions of a Member of Staff other than the Head Teacher.

1) Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff ¹ concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the Head Teacher. ² An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the "reasonableness" may be determined through the review process.

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Head Teacher², who will be responsible for its investigation.^{3,4}

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher² may meet with the complainant to clarify the complaint.⁵

The Head Teacher² will collect such other evidence as he deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. e.g. where staff disciplinary procedures are being followed

The complainant will be told that consideration of their complaint by the Head Teacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher² in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed. If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Part B

Complaining About the Actions of the Head Teacher

1) Informal stage

The complainant is usually expected to arrange to speak directly with the Head Teacher. In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body⁶. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body⁶ who will determine which of the agreed procedures to invoke^{3,4}. If it is determined that the complaint is "General", the Chair⁶ will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair⁶ to present oral evidence or to clarify the complaint.⁵

The Chair⁶ will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair⁶. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair⁶, in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair⁶ is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair⁶ is perverse, or that the Chair⁶ has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair⁶. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair⁶, and include a statement specifying any perceived failures.

Part C

Review Process

Any review of the process followed by the Head Teacher² or the Chair⁶ shall be conducted by a panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Head Teacher² or the Chair⁶, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Head Teacher² or the Chair⁶, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld

The concern is not substantiated by the evidence

The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.

The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation where this is practicable

Notes

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.⁷

If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State at the DFE.

Superscripts

¹ or other designated post-holder/middle manager, such as a Key-stage Co-ordinator, Head of Department, Head of Year.

² or other designated member of staff on behalf of the Head Teacher in such case the head must be satisfied that the process has been conducted properly and accept responsibility for the same

³ Alternatively the complainant may be referred back to the informal stage of the procedure.

⁴ If the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

⁵ it may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.

⁶ or designated governor responsible for investigating complaints

⁷ For the avoidance of doubt, it may be helpful to specify the persons who are allowed access to the records.